



# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

March 23, 2026

Joe Regan  
Regan Electric CO INC  
94 Langdon Street  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 94 Langdon Street and 98 Cornwall Street, Portsmouth NH 03801 (LU-25-175)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **March 17, 2026**, considered your application for the property located at 94 Langdon Street and 98 Cornwall Street whereas relief is needed to merge the lots, demolish the existing structures and construct three new single-family dwellings which requires the following: 1) Variance from Section 10.521 to allow 88 feet of frontage where 100 feet is required. Said property is shown on Assessor Map 139 Lots 1 and 8 and lies within the Mixed Residential Business (MRB) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Beth I Margeson". The signature is written in black ink on a white background.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Derek R. Durbin, Durbin Law Offices

Chinburg Development, LLC

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 3/17/2026

Property Address: 94 Langdon St and 98 Cornwall Street

Application #: LU-25-175

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>• It will not affect the health, safety, and welfare of the neighborhood.</li> <li>• The design is a well thought-out one that preserves the view corridors and the buildings as spaced will not restrict light and air.</li> <li>• The project is residential in nature and will improve the essential characteristics of the neighborhood.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>• It will not affect the health, safety, and welfare of the neighborhood.</li> <li>• The design is a well thought-out one that preserves the view corridors and the buildings as spaced will not restrict light and air.</li> <li>• The project is residential in nature and will improve the essential characteristics of the neighborhood.</li> </ul>

		<ul style="list-style-type: none"> <li>The use is changing to residential</li> </ul>
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>The developer will benefit from the conversion into three residences, but if it were to be denied, there would be no benefit to the general public that would outweigh the loss to the applicant.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>No evidence was presented to show anyone was concerned that it would diminish value.</li> <li>Granting the variance would if anything likely improve the values of surrounding properties.</li> <li>It is a request for a modest variance in street frontage of 12 feet.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<b>YES</b>	<ul style="list-style-type: none"> <li>The special conditions are that one lot having access to a street will be combined with a lot that has limited street frontage.</li> <li>The street frontage issue cannot be rectified due to the locations of the lots and the railroad.</li> <li>The purpose of street frontage is largely to prevent crowding, and the way the project is proposed meets the goal of the ordinance in not providing crowding.</li> <li>There is also a railroad track on one side, so there really is no issue with the fact that the street frontage is less than desired, which would lead to crowding.</li> <li>Owing to those special conditions, there is no fair and substantial relationship between the purposes of the ordinance and enforcing the street frontage requirement to this specific property.</li> </ul>



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## ZONING BOARD OF ADJUSTMENT

March 23, 2026

Chase Home for Children  
C/O Woodman  
82 Court Street  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 698 Middle Road,  
Portsmouth NH 03801 (LU-25-167)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **March 17, 2026**, considered your application for the property located at 698 Middle Road whereas relief is needed to construct a new facility on the property which requires the following: 1) Variance from Section 10.334 to allow the residential care facility use to be extended to another part of the remainder of the land, and 2) Variance from Section 10.440 to allow for the construction of a new residential care facility structure. Said property is shown on Assessor Map 232 Lot 45 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **deny** the request as presented and advertised, because it failed to satisfy criteria 10.233.24 and prove granting the variance would not diminish the values of surrounding properties.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Jeffrey Mattson, Vice Chair of the Zoning Board of Adjustment

cc:

Derek Durbin, Durbin Law Offices, PLLC

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 3/17/2026

Property Address: 698 Middle Rd

Application #: LU-25-167

Decision: **Deny**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.		
10.233.22 Granting the variance would observe the spirit of the Ordinance.		
10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>NO</b>	<ul style="list-style-type: none"> <li>The Board heard compelling evidence that there is a strong possibility that including this structure at its size in this location would likely negatively impact the value of nearby properties, like</li> </ul>

		Middle Rd and Sylvester St and others that perhaps the Board didn't hear about.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND</p> <p>(b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR</p> <p>Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		



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## ZONING BOARD OF ADJUSTMENT

March 23, 2026

Kenneth J and Rebecca T Nicholson  
12 Chapel Road  
North Hampton, New Hampshire 03862

**RE: Board of Adjustment Request for property located at 53 Pray Street, Portsmouth NH 03801 (LU-26-13)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **March 17, 2026**, considered your application for the property located at 53 Pray Street whereas relief is needed to demolish the covered porch, fence, and bulkhead and construct a three-season room with a roof deck and bulkhead in the same footprints which requires the following: 1) Variance from Section 10.521 to allow a) 6 foot front yard (bulkhead) and 15 foot front yard (structure) where 17 feet are required, b) 7 foot side yard where 30 feet are required, and c) 36% building coverage where 30% is permitted; and 2) Variance from Section 10.515.13 to allow a) a 6 foot fence where 4 feet is allowed, and b) 8 foot arbor gate where 4 feet is allowed. Said property is shown on Assessor Map 102 Lot 40 and lies within the Waterfront Business (WB) and Historic Districts. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

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The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink that reads "Beth Margeson". The signature is written in a cursive, flowing style.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC

Monica F. Kieser, Hoefle, Phoenix, Gormley & Roberts, PLLC

Eric Wenrieb, Altus Engineering

# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 3/17/2026

Property Address: 53 Pray St

Application #: LU-26-13

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>YES</b>	<ul style="list-style-type: none"> <li>The overarching consideration was that the entire project is replacing like with like or like with very similar, with regard to the 3-season room and the roof deck.</li> <li>To the extent that the proposed use does not conflict with the explicit or implicit purposes of the ordinance, the purpose of setbacks was to preserve light and air.</li> </ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>YES</b>	<ul style="list-style-type: none"> <li>The overarching consideration was that the entire project is replacing like with like or like with very similar, with regard to the 3-season room and the roof deck.</li> <li>To the extent that the proposed use does not conflict with the explicit or implicit purposes of the ordinance, the purpose of</li> </ul>

		setbacks was to preserve light and air.
10.233.23 Granting the variance would do substantial justice.	<b>YES</b>	<ul style="list-style-type: none"> <li>• There will be no further impingement by allowing the project to proceed, therefore any loss to the applicant at all would fly against substantial justice.</li> </ul>
10.233.24 Granting the variance would not diminish the values of surrounding properties.	<b>YES</b>	<ul style="list-style-type: none"> <li>• There is no way that replacing the older structures with remodeled and refurbished ones in a very similar if not identical configuration would reduce the values of surrounding properties.</li> </ul>
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<b>YES</b>	<ul style="list-style-type: none"> <li>• There are unique aspects to the property in that it is a very small lot, which is not necessarily unique within this particular small area but is very far off of the required lot size in the zone, so relative to the entire zone, it is a special aspect of the property.</li> <li>• It is uniquely located directly adjacent to the lobster pound, which requires a small amount of privacy and explains the fencing.</li> </ul>



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## **ZONING BOARD OF ADJUSTMENT**

March 23, 2026

Patricia Wright  
Madison Commercial Group LLC  
72 Mirona Road, Suite 4  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 72 Mirona Road, Portsmouth NH 03801 (LU-26-11)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **March 17, 2026**, considered your application for the property located at 72 Mirona Road whereas relief is needed for a change of use from professional office to esthetic services which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow Personal Services. Said property is shown on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

*The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:*

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink that reads "Beth Margeson". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Beth Margeson, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor  
The Manchester Esthetic Services LLC, DBA Art of Eyebrows

# Findings of Fact | Special Exception

## City of Portsmouth Zoning Board of Adjustment

Date: 3/17/2026

Property Address: 72 Mirona Rd

Application #: LU-26-11

Decision: **Grant**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Special Exception:

Special Exception Review Criteria: Section 10.232.20	Finding	Relevant Facts
10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;	<b>Yes</b>	<ul style="list-style-type: none"> <li>The use is allowed by special exception.</li> </ul>
10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.	<b>Yes</b>	<ul style="list-style-type: none"> <li>All activity will take place inside, so the project will pose no hazard to the public or adjacent properties.</li> </ul>
10.233.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;	<b>Yes</b>	<ul style="list-style-type: none"> <li>It will comply with all fire rules and there would be no exposure to or release of toxic material.</li> </ul>

<p>10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;</p>	<p><b>Yes</b></p>	<ul style="list-style-type: none"> <li>• There will be no detriment to property values in the vicinity or change in the essential characteristics because it is a commercial area that will not be changed in any way.</li> <li>• There will not be smoke, gas, dust, or other pollutants, noise, glare, heat and so on.</li> </ul>
<p>10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and</p>	<p><b>Yes</b></p>	<ul style="list-style-type: none"> <li>• The project will pose no traffic safety hazard.</li> <li>• It is a busy street in a commercial area where it is expected, and the parking lot is huge.</li> <li>• The project will pose no excessive demand on municipal services because it will take place in an existing commercial establishment.</li> </ul>
<p>10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.</p>	<p><b>Yes</b></p>	<ul style="list-style-type: none"> <li>• There will be no significant increase in stormwater runoff because there will be no changes made to the facility.</li> </ul>